

**BOARD OF GOVERNORS MEETING
SAN FRANCISCO
APRIL 6, 2001**

The Board of Governors of the State Bar of California convened in the in the Malcolm Lucas Board Room, Judicial Council Conference Center, Administrative Office of the Courts, 455 Goldin Gate Avenue, San Francisco, California, at 9:00 a.m., Friday, April 6, 2001, Palmer Brown Madden presiding.

The following members of the Board of Governors were present: Ronald A. Albers, Anthony P. Capozzi, Judith M. Copeland, Patrick R. Dixon, James R. Greiner, James E. Herman, Joe R. Hicks, Scott H. McNutt, Peter D. Nitschke, Karen S. Nobumoto, James D. Otto, Robert K. Persons, David L. Roth, Julie S. Sommars, Maria D. Villa, Scott Wylie, Erica R. Yew and Nancy J. Hoffmeier Zamora.

The following members of the staff also were present: Starr Babcock, Francis Bassios, Kathleen Beitiks, Diane Blackmon, Jerry Braun, Scott Drexel, Teri Greenman, Robert Hawley, Judy Johnson, Dean Kinley, David Long, Nancy McCarthy, Marie M. Moffat, Mike Nisperos, Biljanna Sivanov, Mary Viviano and Ella Wells.

The President introduced the new public members of the Board, Janet M. Green from Riverside and John G. Snetsinger from San Luis Obispo.

The roll-call vote was taken and upon motion made, seconded and unanimously adopted it was

RESOLVED that the roll-call vote will be substituted for the vote unless otherwise noted.

All members present and recorded on the roll-call slip voted yes on the above matter.

10 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the minutes of the special meeting of the Board of Governors held on January 6, 2001, in Los Angeles, hereby are approved as written.

All members present and recorded on the roll-call slip voted yes on the above matter.

10 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the minutes of the meeting of the Board of Governors held on January 26 – 27, 2001, in San Francisco, hereby are approved as amended.

All members present and recorded on the roll-call slip voted yes on the above matter.

10 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the minutes of the Special Meeting for the Election of President of the Board of Governors held on March 13, 2001, in Los Angeles, hereby are approved as amended.

All members present and recorded on the roll-call slip voted yes on the above matter.

- 30 The President reported on the Budgeted Cost of Governance, Year 2000 and Year 2001. In the comparisons of the operating budgets for the years 2000 and 2001, the most significant changes are the rent for the Los Angeles Board of Governor's space and the transfer of the Office of Governmental Affairs from the General Fund to the Legislative Activities Fund. The actual cost of the Board's operation, based upon the current meeting model and schedule is less expensive than it has been in the past.

- 41 The Executive Director reported on the following:

1. She stated that Mike Nisperos, has been nominated for the position of Chief Trial Counsel.
2. Victor Rawley had commenced employment as the new Senior Executive for Information Technology.
3. An emphasis has been placed on a "one-stop-call" number for members of the Bar when they call.
4. The auditor's report has been completed.
5. The ABA's study of the State Bar's discipline system has been completed and should be received soon.
6. In order to keep control of mandatory fees, strategic planning for the next three to five years is desirable. Any new program must be budgeted first. Staff will work on a strategic plan and, coupled with a staff operational plan, will be the basis for the request to the legislature for a three-year fee bill.

The President announced that item 55 regarding the extension of terms for the Commission of Judicial Nominees Evaluation was removed from the open consent agenda.

- 51 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby receives the financial statement for the quarter ended December 31, 2000, as certified by the Director of the Office of Finance and on file in the San Francisco office of the State Bar.

All members present and recorded on the roll-call slip voted yes on the above matter.

- 52 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby receives the investment report for the quarter ended December 31, 2000, as certified by the Director of the Office of Finance and on file in the San Francisco office of the State Bar.

All members present and recorded on the roll-call slip voted yes on the above matter.

53 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby receives the Client Security Fund Report for the quarter ended December 31, 2000, as certified by the Director of the Office of Finance and on file in the San Francisco office of the State Bar.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-111 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Administration and Finance, that the Board hereby creates a new restricted fund to capture voluntary contributions made by State Bar members electing not to take the elimination of bias deduction; and it is

FURTHER RESOLVED that beginning in 2001, the operating budgets for each of the Access and Fairness Standing Committees be transferred from the General Fund to the newly created Elimination of Bias Fund, and it is

FURTHER RESOLVED that the new fund be created as of January 1, 2001.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-112 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby reestablishes the Lawyers Education and Development Fund effective January 1, 2001, and that the purpose of the fund shall be to establish and conduct a lawyer competency and basic skills training program to educate members of the State Bar of California to render legal services in a manner so as to reduce the severity and frequency of professional liability claims made under the insurance program.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-113 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Administration and Finance, that the Board hereby approves the creation of a fund called the Technology Improvement and Reserve Fund for the purpose of maintaining state-of-the-art technology equipment and software, improving existing customized programs and implementing new customized programs; and it is

FURTHER RESOLVED that a limitation on the growth of the fund be set at \$5.0 million dollars subject to an annual review by the Board Committee on Administration and Finance; and it is

FURTHER RESOLVED that the fund shall be established as of January 1, 2001

All members present and recorded on the roll-call slip voted yes on the above matter.

54-114 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Administration and Finance, that the Board hereby approves the creation of a fund called the Public Protection Reserve Fund for the purpose of maintaining or improving the State Bar of California's public protection programs; and it is

FURTHER RESOLVED that a limitation on the growth of the fund be set at \$7 (seven) million dollars subject to an annual review by the Board Committee on Administration Finance and it is

FURTHER RESOLVED that the fund shall be established as of January 1, 2001

All members present and recorded on the roll-call slip voted yes on the above matter.

54-116 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Administration and Finance, that the Board hereby amends article I, section 7.1, Rules and Regulations of the State Bar re Deadline to Scale Fees, on an emergency basis, in the form attached to these minutes and made a part hereof; and it is

FURTHER RESOLVED that these amendments are adopted on an interim basis and are sent out for public comment for a period of ninety (90) days, pursuant to the provisions of section 13, Procedures for Adoption Amendment, or Repeal of State Bar Regulations

All members present and recorded on the roll-call slip voted yes on the above matter.

54-117 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby authorizes the Executive Director, or her designee, to enter into contracts with the California Department of Corrections to obtain funds through grant monies for Volunteers in Parole, Inc., for the period up through and including December 31, 2004; and it is

FURTHER RESOLVED, that the Board of Governors authorizes the Executive Director, or her designee, to enter into contracts with the California Youth Authority to obtain funds through grant monies for Volunteers in Parole, Inc., for the period up through and including December 31, 2004; and it is

FURTHER RESOLVED, that the Board of Governors authorizes the Executive Director, or her designee, to subcontract with Volunteers in Parole, Inc., for the receipt and administration of such funds for the period up through and including December 31, 2004; said contracts and subcontracts to be reviewed and approved by the Office of General Counsel.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-121 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committees on Regulation and Discipline, and Legislative and Court Relations, that the Board hereby opposes including Conference of Delegates Resolution 04-03-00 [Statute of Limitations for Disciplinary Prosecutions] in the State Bar's legislative program.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-122 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Regulation and Discipline, that the Board hereby amends [rules 102, 103 and 224, Rules of Procedure of the State Bar of California](#), in the form attached to these minutes and made a part hereof, effective July 1, 2001.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-123 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Regulation and Discipline, that the Board hereby amends rules [106, 203 and 404-406, Rules of Procedure of the State Bar of California](#), in the form attached to these minutes and made a part hereof, effective July 1, 2001.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-125 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, following publication for public comment and upon consideration of comments received, and upon recommendation of the Board Committee on Regulation and Discipline, that the Board hereby amends the [Special Master Program Rules and Regulations](#), in the form attached to these minutes and made a part hereof.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-132 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committees on Member Relations and Communications and Administration and Finance, that the distribution of IOLTA grants from the Legal Services Trust Fund Program for the grant period July 1, 2001 through June 30, 2002 shall be made in the order and manner provided by Business and Professions Code Section 6216, and the funds to be distributed shall be \$13,502,192.00 calculated as follows:

- (1) The amount projected to be received by the Legal Services Trust Fund Program and the interest earned thereon from July 1, 2000 through June 30, 2001, totaling \$12,957,591, shall be allocated for the grant period July 1, 2001 through June 30, 2002.

- (2) The administrative costs to be deducted prior to distribution shall be the costs projected for the period July 1, 2000 through June 30, 2001, totaling \$651,179.
- (3) To be added to the total amount prior to distribution shall be \$1,195,780, the amount by which cash projected to be on hand June 30, 2001 is more than thirty percent of projected net revenue for the period July 1, 2000 through June 30, 2001; and it is

FURTHER RESOLVED that grant payments are to be made from funds received pursuant to Business and Professions Code section 6212 and the income earned from investment of such funds, and that payment of grants is contingent upon the State Bar having sufficient money on hand from such sources to make the scheduled payments; and it is

FURTHER RESOLVED that the Legal Services Trust Fund Commission is directed to monitor program revenue during the grant year and to recommend action to change the total grant amount for the year in the event of significant variances from projections.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-133 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Relations and Communications, that the Board hereby delegates the authority to conduct a marketing survey of the members to the Standing Committee on Group Insurance Programs and the California Bar Journal.

FURTHER RESOLVED that the final format of any documents required to implement the foregoing action shall be subject to the approval of the Executive Director in consultation with the State Bar's Office of General Counsel.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-134 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committees on Member Relations and Communications and Legislative and Court Relations, that the Board hereby finds that the proposed position in opposition to SB 139 (Haynes) re client trust accounts is within the parameters established by the United States Supreme Court in *Keller v. State Bar of California*.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-134 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committees on Member Relations and Communications and Legislative and Court Relations, that the Board hereby opposes adoption of SB 139, for the reasons, among others, that no court rulings require elimination of the IOLTA program, that there continues to be a substantial

unmet need for free legal services in civil matters to indigent persons, and that continued use of interest earned on certain attorney-client trust accounts for that purpose is essential.

All members present and recorded on the roll-call slip voted yes on the above matter.

55 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the Board hereby extends the terms of the 2000 – 2001 Commission on Judicial Nominees Evaluation through the completion of the commission's final assignment.

All members present and recorded on the roll-call slip voted yes on the above matter, except Erica R. Yew, who abstained from voting on the above matter.

110 Ronald E. Albers, Chair, Board Committee on Administration and Finance, summarized the work of the committee, and the related items on the Board's agenda for this meeting. The scaling policy has been conformed to dates established at the last meeting. Approximately 10 percent or 15,000 members have filed for the fee scaling program.

124 James D. Otto, Chair, Board Committee on Regulation and Discipline addressed the Board concerning estimated costs and sources of funds for the Attorney Diversion and Assistance Program. He gave a brief outline of the program as conceived by SB 479 [Burton] and stated that the attorney diversion and assistance program would be overseen by a twelve-person oversight committee consisting of eight Board appointees (two licensed health professionals, one physician, one member of a nonprofit corporation involved in drug rehabilitation and four lawyers, one of whom must be in recovery) and four public members (two appointed by the Governor, one appointed by the Speaker of the Assembly and one appointed by the Senate Rules Committee). He also outlined the proposed staffing level and budget needed to operate the program. Attorneys will not be denied access to the program because they cannot afford the cost.

130 Maria D. Villa, Chair, Member Relations and Communications, summarized for the Board the work of the committee, including:

1. The Equal Justice Conference held in San Diego, ten programs were presented by State Bar Legal Services staff and volunteers;
2. The State Bar Foundation presented the Office of Communications with a grant for the publication in English of Kids in the Law. It will be printed in conjunction with Law Day, and will also be available on the State Bar's web page (www.calbar.org) and will be translated in Spanish.
3. The State Bar's web page is being redesigned.
4. Marlin Villa has recently been hired as the new Public Information Officer.
5. The State Bar Journal made \$118,000 during the past year.
6. The Board Committee on Member Relations and Communications will be focusing on the unauthorized practice of law for the balance of this Board year.

7. The State Bar has been nominated by the Legal Aid Association of California for the ABA/NLADA Harrison Tweed Award.

140 Scott H. McNutt, representing David L Roth, Chair, Board Committee on Planning, reported on the work of the Committee and summarized the items before the Board for discussion. He also mentioned that: the Board is having only a one-day business meeting this day; and on Saturday, April 7, 2001, John Carver, a nationally recognized facilitator in the area of how boards do their work, will present a training session for the Board.

141 Mr. McNutt summarized the joint meeting on March 15, 2001, between the Board Committees on Planning and Member Relations and Communications which focused on methods to increase attendance at the Annual Meeting.

142 Three-year calendar schedule for constituent groups was brought to the Board's attention. The Board accepted with thanks the work of the committee on this matter. The Metro-8 will be the constituent group at the July 8, 2001 meeting in Los Angeles. This is one of the largest voluntary bars in the state.

143 Ways and means to increase nonfee revenue was discussed. It was the sense of the Board to put this matter over to the June 8, 2001 meeting.

144 Mr. McNutt reported that the Committee discussed the duties of the President-Elect. It was the sense of the Board Committee that the president-elect position should assist the president, but there would not be any procedural or structural changes are needed at this time.

151 Karen S. Nobumoto discussed with the Board issues regarding meetings via e-mail. Marie Moffat, General Counsel, summarized the Attorney General's opinion regarding this issue and the Brown Act. She advised that a statue change would be required if the Board wanted to take this matter further. The chat room or bulletin board concept was discussed. The Board discussed a web page where members of the public could have input.

163 Upon motion made and seconded, the following was unanimously adopted:

WHEREAS, the Board reviews, either directly or by delegation, proposed affirmative legislative and nonlegislative policy positions of all State Bar entities and resolves potential policy conflicts between these entities; and

WHEREAS, the Board encourages State Bar entities to seek the comments of other State Bar entities on proposed policy positions and to attempt to reconcile potential differences of position without Board involvement; and

WHEREAS, it is in the interest of the State Bar, the public and the legal profession that positions be broadly representative of the legal profession; and

WHEREAS, early interaction and coordination ensure a better work product and reduce the number of policy conflicts requiring Board review; and

WHEREAS, standing committees and other State Bar entities bring substantial expertise to bear on resolutions within their purview and are an important source of

advice to the Board in its review of Conference of Delegates resolutions;

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts the Policies for State Bar Entities to Review and Comment on Conference of Delegates' Resolutions, in the form attached these minutes and made a part hereof, to authorize State Bar entities, including State Bar offices, to review and make comments on resolutions proposed for adoption by the Conference of Delegates.

All members present and recorded on the roll-call slip voted yes on the above matter.

164

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Legislative and Court Relations, that the Board hereby adopts on an interim basis, the legislative activities of committees and other State Bar entities that receive funding from the general fund, other than legislative activities pertaining to fixing the annual membership fee, the State Bar's functions in professional regulation and ethics, or the State Bar's administration and operations, shall be paid for out of the fund created by calculating the product of the number of members who choose not to take the lobbying deduction, multiplied by \$5 ("lobbying deduction fund"); and it is

FURTHER RESOLVED that legislative activities paid for out of the lobbying deduction fund of committees and other State Bar entities that received funding from the general fund must be germane to the charge of the committee or other entity and meet the following germaneness standard:

1. The matter is necessarily or reasonably related to the improvement of the quality of legal services available to the people of the state; or
2. The matter is related to the improvement of the functioning of the courts, judicial efficacy and efficiency; and it is,

FURTHER RESOLVED that in interpreting this germaneness standard, the following guidelines should be applied:

1. Legislative comments should reflect the special knowledge, training, experience or technical expertise of the State Bar entity;
2. Involvement in or comments on legislative matters that are ideological or highly controversial or divisive within the bar or the society are disfavored;
3. The potential impact of comments and other legislative activities of the State Bar entity on the State Bar and the rest of the bar's legislative program should be considered; and it is,

FURTHER RESOLVED that legislative positions resulting from legislative activities of committees and other State Bar entities that are paid for from lobbying deduction funds shall include the following amended disclaimer:

This position is only that of the State Bar of California's [Standing Committee on _____]. This position has not been adopted by the State Bar's Board of

Governors or overall membership, and is not to be construed as representing the position of the State Bar of California. Committee activities relating to this position are funded from voluntary sources; and it is,

FURTHER RESOLVED, that positions resulting from the Board's legislative activities funded from the lobbying deduction shall include the following disclaimer:

Board of Governors' activities relating to this position are funded from voluntary sources; and it is

FURTHER RESOLVED that these interim policies be evaluated upon completion of the current legislative session.

All members present and recorded on the roll-call slip voted yes on the above matter.

165 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Legislative and Court Relations, that the Board hereby reaffirms its support of the independence of the judiciary and recognizes that the independence of the judiciary is a vital goal and component of our constitutional and democratic government; that a judge has a duty to utilize good-faith independence in arriving at judicial decisions, adhering to the law and constitution, and must not be influenced by criticism even though such decisions may be politically unpopular; and that a singular judicial decision which arguably is within the confines of case precedent and constitutional law and is arrived at in good faith but may be unpopular among a segment of the population is an insufficient ground to not support the independence of the judiciary; and it is

FURTHER RESOLVED that the State Bar of California supports the independence of the judiciary and the concept that judges must not be influenced in their adjudication by criticism of themselves or their decisions, and calls on members of the State Bar of California and local bars to speak out on the critical role that an independent judiciary plays in protecting the rights and freedoms of all Americans under the rule of law, while simultaneously recognizing the right of citizens to redress their grievances by exercising their right to vote.

All members present and recorded on the roll-call slip voted yes on the above matter.

Mr. Dixon requested that Conference of Delegates resolution 05-08-00 [Death Penalty: Policies and Procedures to Ensure Fairness and Due Process and Moratorium] be removed from item April 166 and be considered separately.

166 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Legislative and Court Relations, that the Board hereby takes no position on Conference resolutions 7-03-00 [Motions: Removes Judge's Discretion to Dispense with Oral Argument] and 7-04-00 [Appellate Courts: Issuance of Tentative Opinions] and permits the Executive Committee of the Conference of Delegates to transmit these resolutions to the Judicial Council on behalf of the Conference of Delegates.

All members present and recorded on the roll-call slip voted yes on the above matter.

- 166 The Board discussed Conference of Delegates Resolution 05-08-00. The President requested that Laura Goldin, Chair of the Conference of Delegates, address the Board regarding this resolution. The Board determined to put this item over until later in the meeting.

- 501 Laura Goldin, Chair of the 2001 Conference of Delegates, addressed the Board regarding the Conference: its history; how it works; and the relationship between the Board and the Conference. She introduced Stephen L. Marsh, Chair-Elect of the Executive Committee of the Conference of Delegates, and Larry Montgomery, District 1 Representative, Executive Committee of the Conference of Delegates.

David L. Roth entered the meeting.

The Board recessed at 12:00 noon for lunch. The Board resumed open session at 12:45 p.m.

Robert K. Persons, representing the State Bar Foundation, presented a grant in the amount of \$7,000 for Access to Justice, Justice James R. Lambden, First District Court of Appeal, accepted the check. Mr. Persons presented \$34,000 for the pamphlet, Kids in the Law, and \$6,000 for Law Day, both were accepted by Dean Kinley, Director, Media Services and Information.

The Board went into closed session at 12:55 p.m., and those other persons present in the meeting, except the Executive Director and members of the Senior Executive Team, left the meeting.

The Board resumed open session at 2:15 p.m.

- 300 The appointments were considered in confidential session and the actions of the Board are reported below.

- 6010 Upon motion made, seconded and unanimously accepted, it was

RESOLVED that the Board hereby ratifies or amends the appointments to various committees contained in the April Closed Consent Agenda 6010, i.e., items 6011 – 6013, and items 6020 and 6040, this day before the Board.

All members present and recorded on the roll-call slip voted yes on the above matter.

- 6011 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Relations and Communications, that the Board hereby appoints Deborah Barthel Caplan, S. Lynn Martinez, Tim A. Pori, Roberta Ranstrom and Tina A. Thomas to the Board of Directors of Legal Services of Northern California, all to serve for three-year terms commencing April 19, 2001 and expiring the third Thursday in April 2004.

All members present and recorded on the roll-call slip voted yes on the above matter.

- 6012 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Task Force on Appointments, that the Board hereby appoints Laurence A. Kluck, Eureka, member, Real Property Law Section Executive Committee, vice Douglas Hilton, effective immediately, for the remaining portion of Mr. Hilton's unexpired term, i.e., September 14, 2003, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6013 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Relations and Communications, that the Board hereby reappoints Daniel Brunner, Dane A. Cameron and Jo Ann Coleman to the Legal Services of Northern California's Board of Directors for three-year terms commencing April 19, 2001 and expiring the third Thursday in April, 2004.

All members present and recorded on the roll-call slip voted yes on the above matter.

6020 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Task Force on Appointments, that the Board hereby appoints or reappoints, as the case may be, the following, State Bar Delegates, American Bar Association House of Delegates, effective upon the conclusion of the 2001 Annual Meeting of the American Bar Association (i.e., August 8, 2001) and expiring at the conclusion of the 2003 Annual Meeting of said association, or until further order of the Board, whichever occurs earlier: Ernestine Forrest, Los Angeles; Richard M. Macias, Los Angeles; Dickran Semerdjian, San Diego; and Mark Tuft, San Francisco; and it is

FURTHER RESOLVED that the Board reappoints Thomas W. McDonnell, Oakland, State Bar Young Lawyer delegate, American Bar Association House of Delegates, effective upon the conclusion of the 2001 Annual Meeting of the American Bar Association (i.e., August 8, 2001) and expiring at the conclusion of the 2003 Annual Meeting of said association, or until further order of the Board, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board appoints the following alternates to the State Bar's delegation to the ABA House of Delegates, effective upon conclusion of the 2001 ABA Annual Meeting (i.e., August 8, 2001), and expiring at the conclusion of the 2002 Annual Meeting of the ABA Annual Meeting, or until further order of the Board, whichever occurs earlier: Bert Tigerman, Beverly Hills, first alternate; Todd Stevens, San Diego, second alternate; and Charlene Usher, Diamond Bar, young lawyer alternate. Said alternates shall be certified as delegates of the State Bar only in the place of a regular and/or young lawyer delegate who is unable to attend the ABA midyear or annual meeting.

All members present and recorded on the roll-call slip voted yes on the above matter.

6030 Appointment of members to the Judicial Council was put over to the Board's June 8, 2001 meeting; the matter to be specially set so that the Board may interview the applicants.

6040 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Task Force on Appointments, that the Board hereby appoints, or reappoints as the case may be, members, Commission on Judicial Nominees Evaluation, for a term commencing June 1, 2001, and expiring May 31, 2002, or until further order of the Board, whichever occurs earlier:

Abrams, Shirley	7	public member
Bailey, Steven	2	
Baker-Kelly, Beverly	3	
Doering, Henry	4	
Emery, Grace	8	
Eshraghi, Sharmin	3	
Fletcher, Anne	1	public member
Frampton, Mary	5	
Frauens, Sue	4	
Goldman, Allan	7	
Grace, Jo-Ann	7	
Hinerfeld, Robert	7	
Hsaio, Peter	7	
Hulbert, E.Ronald	6	public member
Hunter, Kim	3	
Irby, Todd	8	
Jauregui, Anna	9	
Lindsley, Phillip	9	
Livingston, David	3	
McCall, Abbe W.	4	Co-Vice Chair
McNicholas, John P.	7	
Nava, Pedro	6	
Pachter, Tamar	4	
Romero, Martha	7	
Roth, Diane*	6	
Sakai, L. Joanne	4	Co-Vice Chair
Shouse, Roberta	6	public member
Talcott, Sandra	7	public member
Tan, Teresa	4	
Weaver, Pauline	3	Chair
Andrews, Joyce	3	alternate

All members present and recorded on the roll-call slip voted yes on the above matter, except Ms. Yew who recused herself and left the meeting while the above item was being considered.

The President announced that the annual dinner with the Supreme Court would be held on Thursday, August 9, 2001. He also announced the newly set Board meeting on August 9 – 10, 2001.

166 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board hereby tables the pending action on Conference of Delegates resolution 5-08-00 [Death Penalty: Policies and Procedures to Ensure

Fairness and Due Process and Moratorium].

All members present and recorded on the roll-call slip voted yes on the above matter.

502 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board of Governors of the State Bar of California hereby refers the proposed revisions to the Rules and Regulations of the State Bar, article VI, sections 7 and 9 regarding the Conference of Delegates, in the form this day before the Board, to the Board Legal Committee and the Board Committee on Legislative and Court Relations for their review and recommendations to the Board.

All members present and recorded on the roll-call slip voted yes on the above matter.

503 Scott McNutt, Chair, Special Liaison Committee to Council of State Bar Sections, reported on the work of the Council of State Bar Sections. The following areas were discussed: section funding, self-funding and appointments. He also reported on the joint venture between sections and Continuing Education of Bar (CEB) for publication and sale of various section publications.

701 Ronald A. Albers, gave a brief overview of existing Board policies on access to justice issues. He requested Mary Viviano, Special Assistant for Legal Services Outreach, to present the proposed new policy regarding pro per litigants. He asked David Long, Special Assistant for Administration of Justice, to give an overview on coordination with the new Judicial Council Task Force on Unrepresented Litigants.

701A Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Relations and Communications, that the Board hereby requests that the Board Committee on Member Relations and Communications work with the Commission on the Access to Justice to analyze options regarding "Unbundling" or "Discrete Task Representation", ensure that there is consultation with all appropriate entities, and report back to the full Board with recommendations by its August 2001 meeting.

All members present and recorded on the roll-call slip voted yes on the above matter.

701B Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Relations and Communications, that the Board hereby requests that the Board Committee on Member Relations and Communications monitor development and implementation of the statewide Pro Per Action Plan and coordinate with the Access to Justice Commission and the new Judicial Council Task Force on Unrepresented Litigants to ensure input by the Board, where appropriate, to recommend any further board policy that may be required, and to provide an update to the Board within the next year.

All members present and recorded on the roll-call slip voted yes on the above matter.

701C Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Relations and Communications, that the Board hereby is committed to the goal that litigants involved in the judicial system, regardless of whether or not litigants are represented by counsel, should have their cases decided on the legal and factual merits of each case; and it is

FURTHER RESOLVED that unrepresented litigants should have access to the resources that they need to effectively present their cases and resolve their matters in the courts, and that a continuum of appropriate services should be available from self-help assistance through actual representation; and it is

FURTHER RESOLVED that the Board reiterates its offer to work with the new Judicial Council Task Force on Unrepresented Litigants to pursue resources and help promote policies that implement this resolution; and it is

FURTHER RESOLVED that the Board requests that the Board Committee on Member Relations and Communications coordinate with and monitor the progress of the Judicial Council Task Force on Unrepresented Litigants and report back to the Board on any future board policy that may be required.

All members present and recorded on the roll-call slip voted yes on the above matter.

701D Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Relations and Communications, that the Board hereby calls on each of the entities described above to pursue the implementation steps described above relating to pro bono, lawyer referral services, outreach efforts, legal services funding, and updated recommendations on access to justice, and report back to the Board of Governor, according to the schedule indicated above.

All members present and recorded on the roll-call slip voted yes on the above matter.

702 Karen S. Nobumoto summarized recommendations to improve diversity in the legal profession and the governance of the State Bar. She gave background information and discussed the current policies of the State Bar including the Mission of the State Bar, "... to preserve and improve our justice system in order to assure a free and just society under law." One of the Eight Goals implementing this mission is to "Assure the effective and equal opportunity of all persons for entry into and advancement in the legal profession." Related areas that were discussed included appointments to State Bar committees and the encouragement of minorities and women participation, the Board policy on outreach to State Bar committees and State Bar employment practices and the prohibition against use of discriminatory facilities.

702 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board hereby encourages the President to utilize this position to demonstrate a commitment to improving diversity in the legal profession and in the governance of the State Bar and inspire effective and equal opportunity of all persons for entry and advancement in the legal profession; and it is

FURTHER RESOLVED that the Board encourages the Executive Director to create a Center for Access and Fairness, which will assemble and maintain a directory of diversity efforts, including materials, resources, events and conferences related to diversity issues in California, produce written and electronic materials to address diversity issues and produce educational programs for lawyers on the elimination of bias and related issues; and it is

FURTHER RESOLVED that Board determines that it is appropriate to recognize at a public, forum such as the Mid-Year Meeting or Annual Meeting, the outstanding efforts made by members of the legal profession on diversity issues; and it is

FURTHER RESOLVED that the Board encourages the President and the Executive Director to explore utilizing the Mid-Year Meeting as a means of furthering diversity goals and encouraging local bars to participate in the State Bar's diversity goals; and it is

FURTHER RESOLVED that the Board commends the Foundation of the State Bar for its scholarship programs and encourages expansion of that program to improve the diversity of the legal profession; and it is

FURTHER RESOLVED that the Board approves and directs the execution of the Implementation Plan, in the form attached to these minutes and made a part hereof.

The Board adjourned at 3:35 p.m., Friday, April 6, 2001, to meet again at the call of the President at any time prior to the next regularly scheduled meeting of the Board, or if no such meeting be called, in the Malcolm Lucas Board Room, Judicial Council Conference Center, 455 Goldin Gate Avenue, San Francisco, June 8, 2001.